IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2510 OF 2005

Miss Aruna Baban Raykar ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr.S.V. Kotwal i/by Mr. M.S. Mohite, for the Applicants.

Mr.A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

20th April 2005

P.C.:

. Heard Counsel for the parties. The Applicant has been named as accused in offence registered as CR.No.40/2005 registered with Talegaon Dabhade Police Station. The role attributed to the Applicant is that she impressed upon the prosecutrix to accompany along with the group and later on supported the other members of

the group, so that the prosecutrix was forced to stay back along with them and taking advantage of that situation, the co-accused Shailesh Dabhade committed rape on the prosecutrix.

. It is not necessary to go into the question as to whether the events that unfolded as stated by the prosecution can be accepted. Suffice it to observe that the Applicant is of tender age of 19 years and a college going girl. Indeed, the Applicant may have accompanied the group and also persuaded the prosecutrix to go along with them. There is, however, nothing on record to indicate that the Applicant had knowledge about the possibility that the prosecutrix will be raped. On the other hand, the prosecutrix has been put in terror by the other members of the group. Taking overall view of the matter and as custodial interrogation of the Applicant is not necessary and she is female of tender age of 19 years, in my opinion, the Applicant deserves to be released on bail on the following conditions.

(A) The Applicant is directed to be

released on bail in connection with CR.No.40/2005 registered with Talegaon Dabhade Police Station on executing personal bond in the sum of Rs.10,000/- (Rupees Ten thousand only) with two local sureties in the like amount.

(B) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicant shall report to the investigating officer once in a week on Saturday between 11 a.m. to 2 p.m. in the Police station till the filing of the chargesheet.

(D) The Applicant shall extend full co-operation to the trial Court for early disposal of the trial. If the trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that opinion be recorded in the roznama, which can be a ground for

cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)